

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: NOVEMBER 29, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - GPA-24484 - APPLICANT/OWNER: CDPCN, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**

**GPA-24484 - Staff Report Page One**  
**November 29, 2007 - Planning Commission Meeting**

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request to amend a portion of the Southeast Sector Plan of the General Plan from M (Medium Density Residential) to H (High Density Residential) on 6.04 acres at 900 West Monroe Avenue.

The request is triggered by the proposed redevelopment of the existing apartment complex on the site. It has less to do with an increase in density as it does the height of the new proposed structures, which is only allowed in the R-5 (Apartment) Zoning District. The existing buildings along Monroe Avenue would not be removed, thereby creating a buffer for existing low density development from the more intense development planned to the north of the site. Staff therefore supports the requested change in land use.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
02/15/63	The Board of City Commissioners approved a Rezoning (Z-0009-63) to R-3 (Medium Density Residential) on the subject property.
03/12/99	The Board of Zoning Adjustment approved a Variance (V-0006-99) to allow an eight-foot wrought iron fence where four feet in the front yard area and six feet in the side and rear yards is the maximum allowed on 6.04 acres at 900 West Monroe Avenue. Staff recommended approval.
07/12/99	The City Council approved a Special Use Permit (U-0065-99) for a Child Care Center at 908 West Monroe Avenue on the subject site, subject to expiration in one year. The Planning Commission and staff recommended approval.
09/20/00	The City Council approved an Extension of Time [U-0065-99(1)] of an approved Special Use Permit (U-0065-99) for a Child Care Center; subject to expire 07/12/02. The use has expired, as there have been no licenses for a Child Care Center active within the last year associated with the property. The Planning Commission and staff recommended approval.
10/25/07	This item was held in abeyance at the applicant's request to allow it to be heard along with companion items for a Rezoning (ZON-24787) and a Site Development Plan Review (SDR-24788).
11/29/07	Companion items for a Rezoning (ZON-24787) and a Site Development Plan Review (SDR-24788) will be heard concurrently.

**GPA-24484 - Staff Report Page Two**  
**November 29, 2007 - Planning Commission Meeting**

<b><i>Related Building Permits/Business Licenses</i></b>	
07/02/98	A business license, A07-01312, for an Apartment House category license was processed in by the Department of Finance and Business Services. This license was issued on 07/13/98 and was reissued on 03/14/02. A Cease and Desist order was issued 08/15/07 and the license was marked as expired as of 10/15/07.
<b><i>Pre-Application Meeting</i></b>	
08/31/07	A pre-application meeting was held and application requirements for a General Plan Amendment, Rezoning and Site Development Plan Review were discussed. The applicant stated that at least 32 units must be retained per agreement with the Department of Housing and Urban Development. A total of 100 units currently exist. Proposed building height is four stories and 40 feet, which the R-5 District supports. It was discussed that a waiver of the Residential Adjacency Standards may be requested with the Site Development Plan Review, if necessary.
<b><i>Neighborhood Meeting</i></b>	
09/25/07	<p>A neighborhood meeting was held at the clubhouse at the David J. Apartments, 1100 West Monroe Avenue. Three applicant representatives, two members of City staff and five members of the public attended.</p> <p>The applicant presented an overview of the proposed project:</p> <ul style="list-style-type: none"> <li>• Neighborhood Services Department (HOME CDBG) money in this project</li> <li>• Partially existing, most new development</li> <li>• Two buildings on the south remain</li> <li>• New 4-story planned on north side of the site</li> <li>• Nine of \$13 million is in tax credits</li> <li>• Security cameras on each floor and in elevators</li> <li>• Will have security gates, wrought iron</li> <li>• Entrance on H Street; exit-only on Monroe</li> <li>• No pedestrian access to commercial lot on north</li> <li>• Existing Emerald Breeze 32 units will remain, this phase 82 units, then more on Phase 3 (approximately 36 units)</li> </ul> <p>Neighbor concerns included the following:</p> <ul style="list-style-type: none"> <li>• Is the City taking private property?</li> <li>• Questions regarding city Office of Business Development requests for development</li> <li>• 4 stories may be too high</li> <li>• Two-bedroom, 850 square foot units is small</li> <li>• Southern windows on second story should be glass block or clerestory</li> <li>• All senior units would be better</li> <li>• Balconies are a concern</li> <li>• Want Monroe Avenue access closed</li> </ul>

**GPA-24484 - Staff Report Page Three**  
**November 29, 2007 - Planning Commission Meeting**

<b>Field Check</b>	
09/18/07	The Department of Planning and Development conducted a site visit that found that this site consists of a boarded-up two-story apartment complex with multiple buildings. There is a line of mature Mulberry trees along Monroe Avenue. Some are inside a tall wrought iron fence, some outside. Turf on the outside of the fence is dead or dying. Parking is located on the inside of the complex along H Street and along the rear of the property. A power line runs along Monroe next to the sidewalk. Houses along the south side of Monroe are in poor condition. The development is located south of Edmond Town Center.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	6.04

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Multi-family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
North	Shopping Center	C (Commercial)	C-1 (Limited Commercial)
South	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
East	Public Park	PF (Public Facilities)	C-V (Civic)
East	Undeveloped	MXU (Mixed Use)	R-3 (Medium Density Residential)
West	Senior Citizen Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>			
West Las Vegas Plan	X		Y
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
A-O (Airport Overlay) District (140 Feet)	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

**GPA-24484 - Staff Report Page Four**  
**November 29, 2007 - Planning Commission Meeting**

## **DEFINITIONS**

***M (Medium Density Residential - 12.50 – 25.49 du/ac)*** The Medium Density Residential category includes a variety of multi-family units including multiplexes, townhouses, and low-density apartments. This category allows up to 25.49 units per acre.

***H (High Density Residential - Greater than 25.49 du/ac)*** Depending on the location of the parcel, the High Density Residential category allows development such as multi-family plexes, townhouses, high-density apartments and high rise residential. This category allows densities of 25.5 or more units per acre.

## **SPECIAL PLAN AREA**

The subject site is located within the West Las Vegas Plan area and is designated for Apartment uses on the Existing Land Use Category Map of the Plan (Map 5). The site is designated for Medium Density Residential uses having a gross density of 12.1 to 25 units per acre on the Current Land Use Categories Map (Map 14). The Plan makes no recommendations to change the land use of the subject site, as shown on Map 17 of the Plan (Proposed Future Land Use).

## **ANALYSIS**

The subject parcel is located in a fully developed area on a site containing eight existing apartment buildings and a rental office. The site is currently zoned R-3 (Medium Density Residential) in conformance with the existing M (Medium Density Residential) General Plan designation. The parcel to the west contains apartments and is also designated M by the General Plan. Parcels to the north and east are within the Downtown Redevelopment Area and are planned for commercial and mixed residential and commercial uses. The existing public park to the east of the site is designated PF (Public Facilities). Parcels to the south are designated for low density residential uses.

The project proposed for this site would remove 68 of the existing 100 apartment units and construct 118 new units over time for a total of 150 units. The resulting density is 24.8 dwelling units per acre, which remains in conformance with the existing M designation; however, the applicant is proposing a four-story, 54-foot building as part of the new construction. The existing R-3 (Medium Density Residential) zoning district only allows a maximum of two stories or 35 feet, whichever is less. A General Plan Amendment to change the land use designation is required to rezone the parcel to an R-5 (Apartment) District, which allows the lesser of five stories or 55 feet as the maximum height.

**GPA-24484 - Staff Report Page Five**  
**November 29, 2007 - Planning Commission Meeting**

The site is able to accommodate a higher density than the current 16.6 units per acre. A higher density, if approved, would remain compatible with the adjacent apartments to the west, the commercial development to the north, and the park to the east. There are four single-family residences adjacent on the parcels to the south. The existing two-story buildings on the south edge of the development will remain and serve as a buffer from the direct physical effects of the proposed four-story building further north on the site.

## **FINDINGS**

Section 19.18.030.I of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,
2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,
3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and
4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

### **In regard to “1”:**

The subject site abuts properties designated M (Medium Density Residential) to the west, C (Commercial) to the north, and PF (Public Facilities) and MXU (Mixed Use) to the east. The proposed increase in density on the subject parcel would be generally compatible with the uses and designations on these properties. The impact of an increase in density on this site to the low density single family residential development to the south would be neutralized by the two existing two-story apartment buildings that would remain along the south boundary of the site (Monroe Avenue).

### **In regard to “2”:**

The proposed H (High Density Residential) General Plan designation would permit the approval of R-4 (High Density Residential and Apartment) and R-5 (Apartment) Zoning Districts on the subject site. These zoning districts are typically compatible with adjacent commercial, mixed use and public developments such as those surrounding the subject site. As was emphasized with Finding 1, the two existing buildings along Monroe Avenue are planned to remain, minimizing the impacts of rezoning to an R-5 District.

**GPA-24484 - Staff Report Page Six**  
**November 29, 2007 - Planning Commission Meeting**

**In regard to “3”:**

The primary entrances to the site are along H Street, an 80-foot Secondary Collector street as designated on the Master Plan of Streets and Highways. This roadway has adequate capacity to serve an increase in density on the site. A secondary access is available from Monroe Avenue, which is classified as a 60-foot local street. Removal of this driveway would further lessen the impact of higher density development on the existing single family homes along the south side of Monroe Avenue. An RTC bus route runs along H Street to serve this area. The new development proposed for this site would provide sufficient recreational amenities. This area is fully developed with immediate access to all public utilities. The nearest fire station is approximately 0.9 miles to the east, at 500 North Casino Center; nearby law enforcement facilities are located about 1.4 miles the southeast at Fourth Street and Clark Avenue.

**In regard to “4”:**

The West Las Vegas plan does not include the subject site in the areas recommended for changes in land use; however, the proposed land use designation change to H (High Density Residential) is in keeping with the redevelopment policy of the Plan’s land use strategy. This area has always been residential in character and will remain so with the approval of this land use change.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 20

**ASSEMBLY DISTRICT** 6

**SENATE DISTRICT** 4

**NOTICES MAILED** 251

**APPROVALS** 0

**PROTESTS** 13